

Governor's Recommended Sentencing Reforms

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Assuming no reductions in prison intake or increases in prison exits occur, the prison and camp system is expected to run out of beds during the first quarter of FY 2007-08. Therefore, the Governor included a new section in the budget to address the run-out-of-beds date. The Governor includes a savings of \$122.0 million, along with \$30.0 million in costs added back, based on various policy options to reduce the prison population. One component of the plan involves amending sentencing guidelines to move certain nonviolent offenders out of straddle cells and into intermediate sanction cells. Judges are not supposed to sentence offenders in intermediate sanction cells to prison; instead, they are sentenced to jail, probation, treatment, or other community-based sanctions. The Governor's proposal did not include details on the specific offenses or cells that would be affected. The Governor also proposed to:

- Repeal certain rarely used felonies
- Change certain felonies to misdemeanors
- Reduce the maximum penalty on certain felonies
- Break up illegal substance possession and delivery laws so offenders that possess or delivery smaller amounts would be convicted of a misdemeanor or be subject to decreased felony penalties
- Merge crime Classes F, G, and H
- For crimes like larceny where a higher value of stolen property results in increased penalties, realign dollar threshold ranges to expand misdemeanor penalties for lower amounts and increase maximum penalties for higher amounts

The specifics of these proposals, such as which felonies are proposed for misdemeanors, are not provided. The Governor included additional funding for supervising these offenders in the community, so the net savings for sentencing guidelines reform would be \$37.0 million.

The Governor also did not recommend an appropriation for the County Jail Reimbursement Program (CJRP) and left it as a placeholder. The CJRP provides reimbursement to counties for housing certain felons who otherwise would have been sentenced to prison. If sentencing guidelines were to be amended, it would affect the number of prisoners eligible for the program under the current-year criteria. Once the future of the sentencing guidelines is determined, the eligibility criteria and program details would be able to be determined as well.

The Governor also proposed to parole offenders currently in prison for nonviolent offenses. Currently 2,539 offenders with nonviolent active sentences are in prison past their earliest release date. Many of these offenders are in prison because they had already been paroled and were returned to prison on a violation (46.2%), or had poor institutional behavior. Additionally, 80.0% had prior adult probation terms, 77.4% had prior jail terms, and 48.4% had prior prison terms. However, on these measures, these offenders are similar to current parolees serving primary sentences for nonviolent crimes. Funding is included for these offenders to go through the Michigan Prisoner Re-entry Initiative (MPRI), and then be paroled to the Community Placement Program (CPP). The MDOC believes the Parole Board will be more confident in paroling these offenders targeted for review because of the increased level of supervision that would be available through the CPP. The offender would spend two months in a prison facility near where they would be paroled developing a re-entry plan. Once paroled from prison, the parolee would be placed in the community in a Community Transitional Center (CTC) for anywhere from a few days to 90 days. The 22 residential bed providers would be

able to house 724 offenders at a time. By June, 438 offenders will have already gone through the two months of prison in-reach and will be ready to be paroled to a CTC. While at the CTC, parolees will continue to be involved in re-entry programming and treatment. When the parolees live at home following their CTC placement, replacement in the CTC would be available as necessary. Options for offenders in this program would include electronic monitoring as required by the Parole Board. The net savings for this measure is \$55.0 million.

Additionally, the Governor proposes to review medically fragile prisoners, foreign nationals who would be deported after their release, parolable lifers, and nonviolent geriatric prisoners for parole consideration.

When the Governor originally made the budget recommendation, it was not specified how the implementation of the policy change reductions in MDOC operations would occur. Since the budget was released, the MDOC has announced their intention to close Southern Michigan Correctional Facility, and the Egeler Reception and Guidance Center Annex. For FY 2007-08, these closures would result in a gross savings of at least \$50.0 million. In order to achieve the \$122.0 million gross reduction in the budget recommendation, the MDOC would likely have to do an additional closure of similar or greater size and cost. The MDOC also announced their intention to close Riverside Correctional Facility and re-open mothballed Michigan Reformatory in order to save \$3.0 million, and avoid \$11.0 million in renovations at Riverside.